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February 12, 2018

The Hon. Ronnie Abrams  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: United States v. Jason Galanis et al.  
16-cr-0371-4 (RA)

Dear Judge Abrams:

We represent Bevan Cooney, one of the defendants in the above-referenced case. We write to join the arguments set forth in co-defendant Devon Archer's February 12, 2018 Reply to the Government's Opposition to the Defendants' Pre-trial motions to the extent the motions are relevant to Mr. Cooney.<sup>1</sup>

We further challenge the Government's contention that Mr. Cooney has failed to establish standing to challenge the warrants at issue because Mr. Cooney has not filed an affidavit asserting a privacy interest in the contents of the Cooney Account. Gov. Opposition Mem. at 55. As detailed in the Government's Opposition motion, before the pre-trial motions were filed in this case there was extensive litigation regarding Mr. Cooney's email account in motions filed before this Court and in the Second Circuit Court of Appeals. Gov. Opposition Mem. at 50-51. Mr. Cooney has always argued to this Court and to the Second Circuit Court of Appeals in joining Mr. Archer's appeal, that the email account at issue was his personal email account. (See Letter to Court, 16CR371, Document 192 Filed 07/27/17). That the Government has never disputed this contention and therefore this issue and the finding that Mr. Cooney has standing with regard to his own personal email account did not appear to be in dispute. Nevertheless, we attach a declaration signed by Bevan Cooney regarding Mr. Cooney's personal email account which definitively satisfies threshold standing requirements.

Finally for the reasons set forth in Mr. Cooney's Letter Brief (Doc. 291), the additional reasons set forth in Devon Archer's Pre-Trial Motions, and Reply Memorandum, we respectfully request the Court to: (a) dismiss Count Two of the Indictment against Mr. Cooney for facial insufficiency; (b) suppress evidence seized from Mr. Cooney's email account, identified as [btcooney@gmail.com](mailto:btcooney@gmail.com); (c) require the government to provide a bill of particulars; (d) compel the government to produce additional Rule 16 material in its possession, custody, or control; (e) require the government to complete its *Brady* review and to make its other pre-trial disclosures – including its witness list, Jencks Act material, exhibit list, expert notice, and Rule 404(b) notice – no later than 60 days before trial; (f) compel the government to immediately file the notice required under Federal Rule of Criminal Procedure 12.4, and for any other related relief.

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<sup>1</sup> Mr. Archer filed an opposition to the Government's pre-trial motions on behalf of Mr. Cooney and all of the defendants who remain in this case. (Dkt. 310). We therefore join Mr. Archer's arguments that the Government has entirely failed to meet its burden to invoke the crime fraud doctrine for the reasons set forth therein. (Archer Opposition Br. Gov't Pre-Trial Motions at 2-23)

Respectfully submitted,

/s/ Paula Notari

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